

**WIC ADVISORY COMMITTEE BY-LAWS**  
**Adopted by Committee July 9, 2002**

(a) The committee. The WIC Advisory Committee (committee) shall be appointed under and governed by these by-laws. The committee is established under the Government Code, Subchapter B, Chapter 531, §531.0221 which allows the Commissioner of the Health and Human Services Commission to establish the committee. The Commissioner (commissioner) of Health shall establish the committee and appoint the members on behalf of the Commissioner of the Health and Human Services Commission.

(b) Purpose. The purpose of the committee is to provide input to the Texas Department of Health from WIC Program (program) merchants, vendors, recipient advisory groups, and local clinics to advise the Texas Department of Health (department), the commissioner, the Board of Health (board), the program, and other entities which the committee deems appropriate on policy, rules, and technology changes concerning the WIC Program.

(c) Tasks.

(1) The committee shall review all current WIC program policies.

(2) The committee shall review and submit comments concerning proposed program rule and policy changes.

(3) The committee shall advise state employees developing and implementing electronic benefits transfer for the program on the methods for benefits delivery through the use of a card issued to a program recipient.

(4) The committee shall recommend procedures to be used with pricing issues for program products.

(5) The committee shall examine and make recommendations regarding the possibility of adding farmers' markets as program vendors.

(6) The committee shall carry out any other tasks it deems necessary to accomplish the mission of the advisory committee.

(7) The committee shall carry out any other tasks given to the committee by the commissioner or the board.

(8) The committee shall provide the commissioner, board, and program with an annual written report and any other reports deemed necessary by the committee.

(d) Composition. The committee shall be composed of 10 members appointed by the commissioner on behalf of the Commissioner of the Health and Human Services Commission.

(1) four representatives of retail merchant vendors, with two from national supermarket companies and two from regional or independent food retailers;

(2) one representative of a specialty retailer such as a pharmacy or WIC program-only retailer;

(3) three representatives of staff at WIC program clinics; and

(4) two representatives of advocacy groups for WIC program recipients, such as charities or consumer groups.

(e) Terms of office. The term of office of each member shall be 7 years with the exception of the inaugural members of the committee whose terms shall be staggered. Members shall serve after expiration of their term until their successor is appointed.

(1) Members shall be appointed for staggered terms so that the terms of a substantially equivalent number of members will expire on April 2 of each even-numbered year.

(2) If a vacancy occurs, an individual shall be appointed to serve the unexpired portion of that term.

(f) Officers. The committee shall appoint a chairperson and a vice-chairperson to serve as presiding officers beginning on April 2 of each even-numbered year.

(1) Each officer shall serve until April 2nd of each even-numbered year. Each officer may holdover until his or her replacement is selected.

(2) The chairperson shall preside at all committee meetings at which he or she is in attendance, call meetings in accordance with these by-laws, appoint subcommittees of the committee as necessary, and cause proper reports to be made to the commissioner, the board, and the program. The chairperson may serve as an ex-officio member of any subcommittee of the committee.

(3) The vice-chairperson shall perform the duties of the chairperson in case of the absence or disability of the chairperson. If the office of chairperson becomes vacant, the vice-chairperson will serve until a successor is appointed to complete the unexpired portion of the term of the office of chairperson.

(4) If the office of vice-chairperson becomes vacant, the committee shall appoint a successor.

(5) A member shall serve no more than two consecutive terms as chairperson and vice-chairperson.

(g) Meetings. The committee shall meet only as necessary to conduct committee business.

(1) A meeting may be called by agreement of department staff and either the chairperson or at least three members of the committee.

(2) Department staff shall make meeting arrangements and shall contact committee members to determine availability for a meeting date and place.

(3) The committee is not a "governmental body" as defined in the Open Meetings Act. However, in order to promote public participation, each meeting of the committee shall be announced and conducted in accordance with the Open Meetings Act, Texas Government Code, Chapter 551, with the exception that the provisions allowing executive sessions shall not apply.

(4) Each member of the committee shall be informed of a committee meeting at least five working days before the meeting.

(5) A simple majority of the members of the committee shall constitute a quorum for the purpose of transacting official business.

(6) The committee is authorized to transact official business only when in a legally constituted meeting with a quorum present.

(7) The agenda for each committee meeting shall include an item entitled public comment under which any person will be allowed to address the committee on matters relating to committee business. The chairperson may establish procedures for public comment, including a time limit on each comment.

(h) Attendance. Members shall attend committee meetings as scheduled. Members shall attend meetings of subcommittees to which the member is assigned.

(1) A member shall notify the chairperson or appropriate department staff if he or she is unable to attend a scheduled meeting.

(2) It is grounds for removal from the committee if a member cannot discharge the member's duties for a substantial part of the term for which the member is appointed because of illness or disability, is absent from more than half of the committee and subcommittee meetings during a calendar year, or is absent from at least three consecutive committee meetings.

(3) The validity of an action of the committee is not affected by the fact that it is taken when a ground for removal of a member exists.

(4) The attendance records of the members shall be reported in the annual report to the commissioner, the board, and the program. The report shall include attendance at committee and subcommittee meetings.

(i) Staff. Department staff shall provide administrative support for the committee.

(j) Procedures. Roberts Rules of Order, shall be the basis of parliamentary decisions except where otherwise provided by by-law or law.

(1) Any committee action must be approved with a quorum present and by a majority vote of the members present.

(2) Each member shall have one vote.

(3) A member may not authorize another individual to represent the member by proxy.

(4) The committee shall make decisions in the discharge of its duties without discrimination based on any person's race, creed, gender, religion, national origin, age, physical condition, or economic status.

(5) Minutes of each committee meeting shall be taken by department staff.

(A) A draft of the minutes approved by the chairperson shall be provided to each member of the committee within 30 days of each meeting.

(B) After approval by the committee, the minutes shall be signed by the chairperson.

(k) Subcommittees. The committee may establish subcommittees as necessary to assist the committee in carrying out its duties.

(1) The chairperson shall appoint members of the committee to serve on subcommittees and to act as subcommittee chairpersons. The chairperson may also appoint nonmembers of the committee to serve on subcommittees.

(2) Subcommittees shall meet when called by the subcommittee chairperson or when so directed by the committee.

(3) A subcommittee chairperson shall make regular reports to the committee at each of its meetings or in interim written reports as needed. The reports shall include an executive summary or minutes of each subcommittee meeting.

(l) Statement by members.

(1) The commissioner, board, department, and the committee shall not be bound in any way by any statement or action on the part of any committee member except when a statement or action is in pursuit of specific instructions from the commissioner, board, department, or committee.

(2) The committee and its members may not participate in legislative activity in the name of the commissioner, board, the department, or the committee except with approval through the department's legislative process. Committee members are not prohibited from representing themselves or other entities in the legislative process.

(m) Annual reports. The committee shall file an annual written report with the commissioner, board, and the program.

(1) The report shall list the meeting dates of the committee and any subcommittees, the attendance records of its members, a brief description of actions taken by the committee, a description of how the committee has accomplished the tasks given to the committee by the commissioner or board and the tasks outlined in the authorizing law, the status of any rules or policies which were recommended by the committee, and anticipated activities of the committee for the next year.

(2) The report shall cover the meetings and activities in the immediate preceding 12 months and shall be filed each May. It shall be signed by the chairperson and appropriate department staff.